

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BRASS, Volker, et al. Confirmation No. 1726
U.S. SERIAL No.: 10/579,321
FILING DATE: January 8, 2007
FOR: Short Message for Voice Group Call Service
ART UNIT: 2617
EXAMINER: HAMMONDS, Marcus C.
CUSTOMER NO.: 27,388

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR 41.41

Sir:

This Reply Brief is submitted under 37 CFR § 41.41 on behalf of Appellant in the above-identified case in response to the December 22, 2010 Examiner's Answer and is a supplement to the Appeal Brief filed on May 18, 2010. If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fees or credit any overpayment to Deposit Account No. 14-1263.

Applicant wishes to address in section (10)(I) of the Examiner's Answer the Examiner's response to the arguments presented with respect to independent claim 1. The argument in question is whether the publication (3GPP TS 43.068 "Voice Group Call Service (VGCS); Stage 2") expressly teaches away from being modified in accordance with Sanders, III et al. In summary, Applicant maintains that the publication expressly states in its' scope "The present document specifies the stage two description of the Voice Group Call Service (VGCS) which

allows speech conversation of a predefined group of service subscribers in half duplex mode on the radio link taking into account multiple subscribers involved in the group call per cell.” (emphasis added)(3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2: Section 1) In contrast, Sanders, III et al. in the Background of the Invention section of the application expressly identifies a problem or limitation associated with such conventional “dispatch radio communication systems” in that they “permit only one-half duplex telephone interconnect.” (Col. 1,ll. 52-66)(emphasis added) The Sanders, III et al. invention overcomes this limitation by permitting a full duplex group call. (Col. 2, l. 10)

The Examiner traverses Applicant’s assertion that the publication is limited to service subscribers in half duplex mode. Section 7.2, Page 14 of the publication, to which the Examiner refers, states “Full standard duplex channels shall be provided to all dispatchers listed in the GCR.” (emphasis added) Furthermore, the Examiner identifies Section 11.3.5.3, Page 25 of the publication which reads “Dispatchers which are mobile subscribers shall change the cell by standard handover procedures.” (emphasis added) A reading of these relevant passages leads to the conclusion that full standard duplex channels are provided to dispatchers which are mobile subscribers. However, “dispatchers” (mobile subscribers), differ from “service subscribers.” Section 4.1, Page 7 of the publication differentiates between “service subscribers” and “dispatchers” (mobile subscribers). “Service subscribers can become group members on a PLMN wide basis to one or more groups pre-defined in the network by a corresponding group identification (group ID). The membership enables them to initiate or receive voice group calls associated with that group ID. Certain dispatchers connected to external networks also require the capability to initiate or receive voice group calls.” (emphasis added) Therefore, despite the fact that both “service subscribers” and “dispatchers” can initiate and receive voice group calls, the publication expressly discloses that only “service subscribers” (to which half, rather than full, duplex mode channels are provided) do so “associated with that group ID.” No disclosure or suggestion is found in the publication that the “dispatchers” (to which full duplex mode channels are provided) initiate or receive voice group calls associated with that group ID. Therefore, Applicant maintains that the publication disclosing only service subscribers to which half mode

duplex channels are provided as initiating and receiving calls associated with that group ID expressly teaches away from being modified in accordance with the full duplex group call disclosure in accordance with Sanders, III et al.

As acknowledged in both the Appeal Brief and Examiner's Answer the arguments with respect to claim 1 are equally applicable to claims 8, 9, 13, 15 and 16. Accordingly, the rebuttal arguments discussed above with respect to claim 1 is equally applicable to claims 8, 9, 13, 15 and 16.

For at least the foregoing reasons, Appellant submits that claims 1-6, 8-11 and 13-16 are patentable over the prior art of record and passage of this application to issuance is respectfully requested.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By /Christa Hildebrand/
Christa Hildebrand
Reg. No. 34,953
875 Third Avenue - 8th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844
Facsimile: (212)808-0844

00171058CH/CFC